

Notice of Allowability

Application No.

09/574,856

Examiner

William P. Watkins III

Applicant(s)

BURKE ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 28 May 2004.
2. ☒ The allowed claim(s) is/are 6,8,9 and 31-34.
3. ☒ The drawings filed on 19 May 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Art Unit: 1772

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The amendment filed 28 May 2004 has been entered but is not compliant with 37 CFR 1.121 in that the status indicators for the claims are incorrect. The following amendment is made to correct this formal matter. The statement of related applications at the beginning of the specification also been amended to reflect the current status the related application. The application has been amended as follows:

In claim 6, the status indicator "(Previously amended)" has been deleted and the status indicator -- (Previously presented) -- has been inserted in place thereof.

In claim 7, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (cancelled) -- has been inserted in place thereof.

Art Unit: 1772

In claim 15, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In claim 16, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In claim 17, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In claim 18, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In claim 19, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In claim 27, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In claim 28, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

Art Unit: 1772

In claim 29, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In claim 30, the status indicator "(Previously cancelled)" has been deleted and the status indicator -- (Cancelled)-- has been inserted in place thereof.

In the specification, on line 5, after the date "September 24, 1999" the phrase --, now U.S. Patent 6,303,068-- has been inserted.


2. The following is an examiner's statement of reasons for allowance: the reasons for allowance of claim 6 (from which all claims now depend) are given in section 2 of the office action mailed 29 March 2004. The examiner notes that claim 6 was included in the rejections given in section 7, 9 and 10 of the office action mailed 29 March 2004. This inclusion was inadvertent and is a typographical error. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1772

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WW/ww
June 10, 2004

WILLIAM P. WATKINS III
PRIMARY EXAMINER